

## REMARKS

Claims 3 and 7 are currently pending in this application. Claim 3 is cancelled herein. Claim 7 has been rejected under 35 USC § 102(b) as being anticipated by Magness, U.S. Publication No. US 2002/0125662. Claim 3 has been rejected under 35 USC § 103(a) as being unpatentable over Allen, U.S. Patent No. 3,787,040 in view of Yindra, U.S. Patent No. 4,108,086. Claim 7 remains at issue.

Applicant respectfully traverses the rejection of claim 7 as being anticipated by Magness.

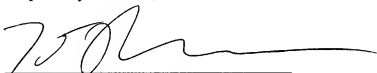
As an initial matter, the undersigned finds the Magness patent exceptionally poorly written and difficult to clearly understand. As best understood, Magness does not have a substantially vertical support leg. The Examiner asserts that the lift arm 22 (which is also referred to as the “cross bar 22,” see paragraph 0069, 11 lines from the bottom) is a substantially vertical support leg. However, Figs. 1G and 1H clearly show lift arm 22 is a scissoring element that is either inclined or horizontal, depending upon whether the lift assembly is in a raised (Fig. 1G) or lowered (Fig. 1H) position. Lift arm 22 only appears vertical in Figs. 1A and 1B because of the perspective of the view. Furthermore, as best understood from Figs. 1G and 1H, lift arm 22 is not connected to the planar work surface 11, let alone connected by a hinged connection.

Further, “extensible tilter device 40” does not appear to be a bar pivotally attached at one end to the base and releasably attached to a bracket on the underside of a planar work surface. Indeed, tilter device 40 appears to be extensible (“fold-in and fold-out”) by virtue of telescoping extended “extend rod 50.” (See Fig. 2A and discussion near the end of paragraph 0070.) Pin 52 appears to control extension and retraction and thus the inclined position of surface 11. Pin 54 appears to allow attachment of “extend rod 50” to various holes (200A - 200D) on bracket 50A, but the pin 54 does not secure the horizontal orientation of the table because, as discussed above, that function is performed by pin 52.

For the foregoing reasons, reconsideration and withdrawal of the rejection of claim 7 as anticipated by Magness and allowance of claim 7 are respectfully requested.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to deposit account No. 19-5117.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Bratschun', written over a horizontal line.

Date: February 16, 2007

Thomas D. Bratschun, #32,966  
Swanson & Bratschun, L.L.C.  
1745 Shea Center Drive, Suite 330  
Highlands Ranch, Colorado 80129  
Telephone: (303) 268-0066  
Facsimile: (303) 268-0065